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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,545	09/14/2004	Shouji Yamazaki	SHM-15463	8449

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EXAMINER
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COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/507,545	<b>Applicant(s)</b> YAMAZAKI, SHOUJI	
	<b>Examiner</b> Lori L. Coletta	<b>Art Unit</b> 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9-14-04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09142004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, “wherein a space inside the skeleton member and/or a space surround by the skeleton member” (lines 5 and 6) is not clear. Does “wherein a space inside the skeleton member and/or a space surround by the skeleton member mean: 1. wherein a space inside the skeleton member and a space surround by the skeleton member. or 2. wherein a space inside the skeleton member or a space surround by the skeleton member.

Claim 4 recites the limitation " the first granular materials" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 8, “solidified granular material filled in a skeleton member and/or in a space surrounded by the skeleton member” (lines 1 and 2) is not clear. Does “solidified granular material filled in a skeleton member and/or in a space surrounded by the skeleton member” mean: 1. solidified granular material filled in a skeleton member and in a space surrounded by the skeleton member”

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-8, as understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Hayashi 6,959,894.

Regarding claim 1, Hayashi '894 discloses a skeleton member structure comprising a skeleton member (1); and a granular materials having a porous granular materials, wherein a space inside the skeleton member and a surrounding panel member is filled with the granular materials.

Regarding claim 2, Hayashi '894 discloses a skeleton member structure, wherein the granular materials are filled directly into the space.

Regarding claim 3, Hayashi '894 discloses a skeleton member structure, wherein the skeleton member includes a plurality of frames being use on an automobile.

Regarding claim 4, Hayashi '894 discloses a skeleton member structure, further comprising second granular materials (10), adjacent one of which are bonded to one another by the hollow first granular materials.

Regarding claim 5, Hayashi '894 discloses a skeleton member structure, wherein the first granular materials are made of a resin material.

Regarding claim 6, Hayashi '894 discloses a skeleton member structure, wherein the second granular materials are solid.

Regarding claim 7, Hayashi '894 discloses a skeleton member structure, wherein the second granular materials comprise porous materials.

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Regarding claim 8, Hayashi '894 discloses a method for forming a solidified granular material filled in a skeleton member and a surrounding panel member, the method comprising the steps of: mixing first granular materials which are hollow and made of a resin, with second granular materials; and bonding adjacent ones of the second granular materials to one another via the first granular materials by melting the surfaces of the first granular materials.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other shock absorbers similar to that of the current invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, reading "Lori L. Coletta". The signature is written in a cursive, flowing style with a large initial "L".

Lori L. Coletta  
Primary Examiner  
Art Unit 3612

llc  
May 30, 2006